

Douglas P. Catalano  
Neil G. Sparber  
FULBRIGHT & JAWORSKI L.L.P.  
666 Fifth Avenue  
New York, New York 10103  
Telephone: (212) 318-3000  
dcatalano@fulbright.com  
nsparber@fulbright.com

Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DANIEL CORDERO, KELLY HYDE  
and KEVIN HYDE, on behalf of themselves  
and all other similarly situated individuals,

Plaintiffs,

vs.

NEW YORK INSTITUTE OF  
TECHNOLOGY

Defendant.

12-CV-3208 (SJF)(GRB)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying affidavit of Samantha Beltre, sworn to September 4, 2012, and the exhibits thereto, the accompanying memorandum of law, and upon all pleadings, papers, and proceedings filed in this case, defendant New York Institute of Technology ("NYIT") will respectfully move this Court before the Hon. Sandra J. Feuerstein at the U.S. Courthouse located at 944 Federal Plaza, Central Islip, New York, 11722 at a date and time to be determined by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the third and fourth causes of action in the complaint on the ground that they fail to state a claim upon which relief can be granted.

Dated: New York, New York  
September 5, 2012

FULBRIGHT & JAWORSKI L.L.P.

By: Douglas P. Catalano (10)

Douglas P. Catalano

Neil G. Sparber

666 Fifth Avenue

New York, New York 10103

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dcatalano@fulbright.com

nsparber@fulbright.com

Attorneys for Defendant

To: Douglas Wigdor, Esq.  
Thompson Wigdor LLP  
85 Fifth Avenue  
New York, NY 10003

Attorneys for Plaintiffs